

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

ROGER DWAYNE SMITH

Plaintiff,

v.

Civil Action No. 2:14-17001

JOSHUA HYPES, Correctional Officer,  
and DANIEL HAHN, Lieutenant, and  
DAVID BALLARD, Warden, and JIM  
RUBENSTEIN, Commissioner of West Virginia  
Department of Corrections, and SHANNA  
COLEMAN, Mental Health Counselor, and  
MEREDITH SMITH, Mental Health Director,  
and SHERRILL SNYDER, Mental Health Director,  
all in their official and individual capacities,

Defendants.

MEMORANDUM OPINION AND ORDER

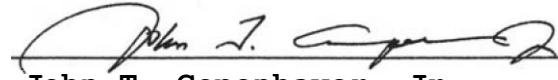
The court having received the Proposed Findings and  
Recommendation of United States Magistrate Judge Dwane L. Tinsley,  
filed on January 10, 2017, pursuant to the provisions of 28 U.S.C.  
§ 636(b)(1)(B); and having reviewed the record in this proceeding;  
and there being no objections filed by any party to the proposed  
findings and recommendation; and it appearing proper so to do, it  
is ORDERED that the findings and conclusions made in the proposed  
findings and recommendation of the magistrate judge be, and they  
hereby are, adopted by the court.

It is, therefore, ORDERED that the motion for summary

judgment filed by defendants Shanna Coleman, Meredith Smith, and Sherrill Snyder be, and it hereby is, granted. It is further ORDERED that defendants Coleman, Smith and Snyder be, and they hereby are, dismissed with prejudice as defendants from this action.

The Clerk is directed to forward copies of this written opinion and order to plaintiff, all counsel of record and the United States Magistrate Judge.

DATED: January 31, 2017



John T. Copenhaver, Jr.  
United States District Judge